

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

INFINITY COMPUTER PRODUCTS, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 12-6797-LDD
)	
OKI DATA AMERICAS, INC.,)	Judge: Hon. Legrome D. Davis
)	
Defendant.)	

**DEFENDANT OKI DATA AMERICAS, INC.’S MOTION
TO DISMISS PLAINTIFF INFINITY COMPUTER PRODUCTS, INC.’S
WILLFUL INFRINGEMENT CLAIMS PURSUANT TO FED. R. CIV. P. 12(B)(6)**

In lieu of an answer, Defendant Oki Data America, Inc. (“Oki Data”) brings this motion to dismiss Plaintiff Infinity Computer Products Inc.’s (“Infinity’s”) claims of willful infringement of U.S. Patent Nos. 8,040,574 (“the ’574 patent”) and 8,294,915 (“the ’915 patent”) in the severed complaint for failure to state a claim upon which relief may be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Oki Data’s motion is made on the ground that Infinity has not proffered a single fact from which the Court may infer that Oki Data knew of Infinity’s ’574 and ’915 patents prior to suit and ignored an objectively high likelihood that it infringed, as more fully set forth in the accompanying Opening Brief in Support filed herewith.

For the reasons appearing therein, Oki Data respectfully requests the Court to enter the attached order and to dismiss Plaintiff Infinity Computer Products Inc.’s claims of willful infringement of the ’574 and ’915 patents asserted in this litigation.

Pursuant to Local Rule 7.1(a), a proposed order is attached as Exhibit A hereto.

Respectfully submitted,

s/ John W. Shaw

John W. Shaw (No. 75738)
SHAW KELLER LLP
300 Delaware Ave., Suite 1120
Wilmington, DE 19801
(302) 298-0700
jshaw@shawkeller.com
Attorney for Oki Data Americas, Inc.

OF COUNSEL:

Marc R. Labgold, Ph.D.
NAGASHIMA & HASHIMOTO
Hirakawa-cho KS Bldg., 2nd Floor
2-4-14 Hirakawa-cho, Chiyoda-ku
Tokyo 102-0093 Japan

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